

FILED IN MY OFFICE
DISTRICT COURT CLERK
7/5/2013 2:36:23 PM
GREGORY T. IRELAND

SECOND JUDICIAL DISTRICT COURT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

Tracie Laahty

RACHEL HIGGINS, as Personal Representative of
the Estate of GEORGE LEICHTLE,

Plaintiff,

v.

Case No. D-202-CV-2013-05532

DAVID ANTHONY GARCIA, DDS, and LAS
CLÍNICAS DEL NORTE, INC, a domestic
nonprofit corporation,

Defendants.

COMPLAINT FOR WRONGFUL DEATH

COMES NOW Plaintiff Rachel Higgins, as Personal Representative of the Estate of George Leichtle, by and through counsel, Fine Law Firm and, for her Complaint against Defendant David Anthony Garcia and Las Clínicas del Norte, Inc., states as follows:

1. Plaintiff Rachel Higgins is a resident of Bernalillo County, New Mexico. A Petition to appoint her Personal Representative of the Estate of George Leichtle is being filed contemporaneously with this Complaint.
2. At all times relevant to this Complaint, Defendant Las Clínicas del Norte, Inc. ("Clínicas") was a nonprofit corporation providing medical and dental services in Northern New Mexico, with a location in El Rito, New Mexico.
3. At all times relevant to this Complaint, Defendant David Anthony Garcia, DDS ("Garcia") was a dentist practicing at the El Rito, New Mexico Clínicas location.
4. This Court has jurisdiction over the subject matter and parties to this action pursuant to the Court's general jurisdiction, and venue is proper in this district.

5. On July 8, 2010, the decedent, George Leichtle, arrived at Defendant Clínicas' El Rito location for the treatment of tooth pain.

6. Mr. Leichtle had a history of severe cardiovascular disease, which included a heart attack, strokes, and heart surgery.

7. In preparing for the extraction of Mr. Leichtle's tooth on July 8, 2010, Defendant Garcia used lidocaine and epinephrine to numb Mr. Leichtle's mouth.

8. Mr. Leichte's history of severe cardiovascular disease was a well-recognized contraindication to the use of lidocaine and epinephrine.

9. As a result of Defendant Garcia's use of lidocaine and epinephrine, Mr. Leichte began to have seizure-like symptoms, had difficulty breathing, and went into cardiac arrest. He died days later as a result.

10. After Mr. Leichte went into cardiac arrest at the El Rito location, medical staff at Clínicas responded.

11. The Clínicas staff negligently administered more epinephrine to Mr. Leichte and failed to timely call an ambulance.

12. In undertaking the care and treatment of Mr. Leichte, Defendants Garcia and Clínicas medical staff were under the duty to possess and apply the knowledge and use the skill and care that are ordinarily used by reasonably well-qualified and trained dentists and medical staff.

13. Defendant Garcia departed from the standard of knowledge, skill and care of a reasonably well-qualified and trained dentist by undertaking the negligent treatment of Mr. Leichte, as described above.

14. The duly authorized agents and employees of Defendant Clínicas, while acting within the scope of their authority, departed from the standard of knowledge, skill and care of reasonably well-qualified and trained medical staff, by negligently responding to Mr. Leichte's medical emergency, as described above.

15. Under the concept of "respondeat superior," Defendant Clínicas, Inc. is responsible for the negligent conduct of its duly authorized agents and employees, including Defendant Garcia.

16. As a proximate result of the negligence of Defendants Garcia and Clínicas, Mr. Leichte sustained damages including, but not limited to, pain, suffering, loss of enjoyment of life, and death.

WHEREFORE, Plaintiff Rachel Higgins, as Personal Representative of the Estate of George Leichte, respectfully requests that this Court award her damages, costs, pre-judgment interest, post-judgment interest and any such other and further relief as the Court deems just.

Respectfully submitted,

"Electronically Filed"

/s/ Mark Fine
Mark D. Fine
Fine Law Firm
220 Ninth Street NW
Albuquerque, New Mexico 87102
Tel: (505) 243-4541
Fax: (505) 242-2716
Attorney for Plaintiff